

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America
v.
Keveante Deshawn SMOOT

Case No. 2:18-mj-928

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 08/11/2018 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section
18 U.S.C. 922(g)(1)

Offense Description
Possession of Firearm by Convicted Felon

This criminal complaint is based on these facts:

Please See Attached

☒ Continued on the attached sheet.

 #2307
Complainant's signature

Jerry Orick ATF Task Force Officer #2307
Printed name and title

Sworn to before me and signed in my presence.

Date: 12-20-18

City and state: Columbus, OH



Judge's signature
Chelsey M. Vascara, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

I, Jerry Orick, being duly sworn, depose and state that:

I have been a Police Officer with the Columbus, Ohio Division of Police since 2001. I have been a Task Force Officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco Firearms, and Explosives since May 2005. I am familiar with State and Federal criminal laws pertaining to firearms and narcotics violations.


1. This affidavit is made in support of a criminal complaint against Keveante Deshawn SMOOT (DOB: 05/05/1992) for a violation of Title 18, United States Code, Section 922(g)(1): Possession of a firearm and/or ammunition by a convicted felon. The statements in this affidavit are based upon my training and experience, consultation with other experienced investigators and agents, consultation with Columbus Division of Police (CPD) Detectives / ATF Task Force Officers who are assisting directly in this investigation, review of related police reports, and other sources of information relative to firearms investigations. This affidavit is intended to set forth probable cause in support of the criminal complaint and does not purport to set forth all of my knowledge regarding this investigation.
2. SMOOT has multiple prior felony convictions received in the Franklin County Court of Common Pleas, OH, each of which was punishable by a term of imprisonment of more than one (1) year. On or about 01/11/2012, SMOOT entered a guilty plea in Case Number 11CR003696-Attempted Robbery, a felony of the 4th degree. On or about 01/11/2012, SMOOT entered a guilty plea in Case Number 11CR004728- Receipt of Stolen Property, a felony of the 4th degree. On or about 01/11/2012, SMOOT entered a guilty plea in Case Number 11CR004727- Theft, a felony of the 3rd degree.
3. On 08/11/2018, Columbus, Ohio Division of Police Officers responded to Weinland Park, 1280 Summit Street, Columbus, Ohio 43201 on a call for service regarding several shots fired with multiple victims shot at the public park. Two of the reported victims were adults and two were juveniles (8 years of age and 10 years of age). SMOOT was identified as a victim in the shooting.
4. Immediately after the aforementioned shooting, Keveante Dashawn SMOOT was transported to a local hospital by his associate Joeron McDonald. SMOOT received medical care for a gunshot wound to his arm.
5. The vehicle driven by McDonald was seized as evidence out of the shooting and a search warrant was later executed on the vehicle. During the search of the vehicle, investigators discovered an SCCY, 9mm pistol bearing serial number 018228 in the glove compartment of the vehicle.
6. The SCCY Industries, 9mm pistol bearing serial number 018228 cellular material was collected from the firearm by the Columbus, Ohio Division of Police Crime Laboratory and entered into the Combined DNA Index System (CODIS). The Columbus, Ohio Division of Police Crime Laboratory was later notified of a CODIS hit to the cellular material located on the firearm. The cellular material located on the firearm was determined to have originated from Keveante Deshawn SMOOT.

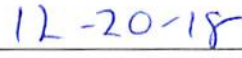
7. On 12/17/2018, investigators reviewed Ohio Department of Rehabilitation and Corrections (ODRC) JPAY/ email correspondence from customer identification number 20092272, Keveante SMOOT. In several JPAY emails, SMOOT informs ODRC inmates that he was shot in the arm on 08/11/2018. SMOOT also provides a cellular telephone number for the inmates to call so he can provide more details to them regarding who else was discharging firearms at Weinland Park. SMOOT informed the inmates of the cell phone number (937-521-XXXX) of the mother of his children and stated that he (SMOOT) would accept the calls.
8. Based on the above-referenced JPAY emails, an investigative subpoena was requested for all ODRC inmates that called the number SMOOT provided (937-521-XXXX) for the dates of 08/11/2018 to 12/17/2018. Eighteen (18) calls were identified and investigators reviewed and transcribed those calls. During one call, SMOOT provides his new cell number (614-603-XXXX) to an ODRC inmate to receive additional calls. The ODRC inmate later calls SMOOT's new cell phone number (614-603-XXXX) and SMOOT states that he possessed a firearm at the Weinland Park shooting and added that he fired shots during the shooting.
9. On 12/17/2018, a federal DNA search warrant for SMOOT was signed by U.S. Magistrate Judge Vascura to later compare the CODIS hit sample to cellular material taken from SMOOT's person.
10. On 12/18/2018, investigators called the number provided by SMOOT in the JPAY emails (937-521-XXXX) and asked if the called person could have SMOOT contact them. SMOOT called investigators back from cellular telephone 614-603-XXXX and agreed to surrender a sample of his cellular material to investigators on 12/19/2018 at a predetermined location.
11. TFO Orick received a verbal Interstate Nexus Determination, which was conducted by ATF Special Agent Jason Burns on the aforementioned firearm to determine the origin and status as to travel in interstate and/or foreign commerce. SA Burns is an ATF Interstate Nexus Expert, is a graduate of the ATF Firearms Interstate Nexus Training School, and is certified in making firearms and ammunition interstate nexus determinations. SA Burns determined that the aforementioned firearm, specifically the SCCY Industries, 9mm pistol bearing serial number 018228, seized from the vehicle SMOOT exited the hospital at on 08/11/2018, was not manufactured in the State of Ohio; and, therefore moved/affected interstate/foreign commerce to arrive in the State of Ohio.
12. The aforementioned offense occurred in Franklin County, Ohio, in the Southern Judicial District of Ohio.

13. Based upon the aforementioned information and events, and your affiant's training and experience in dealing with Federal firearms violations, your affiant believes that probable cause exists to believe that before or 08/11/2018, Keveante Deshawn SMOOT, a previously convicted felon, did possess a firearm which was not manufactured in the state of Ohio and therefore travelled in and/or affected interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

 #7307
Jerry Orick, ATF Task Force Officer

Sworn to before me and signed in my presence.


The Honorable Chelsey M. Vascara
U.S. MAGISTRATE JUDGE
SOUTHERN DISTRICT OF OHIO


Date